

REMARKS

Claims 1-3, 5-9, 11-20 and 33-45 are pending in the present application. By this Amendment, previously presented claims 1, 11-12, and 14 have been amended; and previously presented claim 10 has been cancelled. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

Entry of the above amendment is proper under 37 C.F.R. §1.116 (a) in that the above amendment (1) places the claims in condition for allowance; (2) places the claims in better condition for consideration on appeal, if necessary; (3) does not raise any new issues; and (4) does not add new claims without canceling a corresponding number of claims. For the reasons given above, entry of the above amendment under 37 C.F.R. §1.116 is respectfully requested.

It should be noted that the above claim amendments were made in order to: (1) incorporate the subject matter of previously presented claim 10 into independent claim 1; and (2) to change the dependency of claim 11-12 and 14 so as to depend from amended independent claim 1 since previously presented claim 10 has been cancelled.

I. Formal Matters:

Obviousness-Type Double Patenting Rejection

Previously presented claims 1-3, 5-13, 15, 19-20, 35-36 and 40-42 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-12, 14-18, 22, 25-27 and 30 of U.S. Patent No. 6,854,135. This rejection is respectfully traversed for at least the reasons given in Applicants' July 10, 2006 Amendment and Response.

Previously presented claims 14, 33-34, 37-39 and 43-45 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-12, 14-18, 22, 25-27 and 30 of U.S. Patent No. 6,854,135 in view of U.S. Patent No. 5,931,971 to Zucker (hereinafter, "Zucker"). This rejection is respectfully traversed for at least the reasons given in Applicants' July 10, 2006 Amendment and Response.

For at least the reasons given in Applicants' July 10, 2006 Amendment and Response, Applicants respectfully submit that the obviousness-type double patenting

rejections in view of U.S. Patent No. 6,854,135 alone or in combination with the teaching of Zucker are improper. Accordingly, withdrawal of these rejections is respectfully requested.

II. Prior Art Rejections:

Rejection of Previously Presented Claims 1-2, 5-6, 13-16, 18-20 and 33-45 Under 35 U.S.C. §103(a) In View of Zucker

Previously presented claims 1-2, 5-6, 13-16, 18-20 and 33-45 were rejected under 35 U.S.C. §103(a) as unpatentable over Zucker. This rejection is respectfully traversed for at least the reasons given in Applicants' July 10, 2006 Amendment and Response.

As discussed in Applicants' July 10, 2006 Amendment and Response, the teaching of Zucker is directed to water-soluble rags and the use of water-soluble rags to absorb hydrocarbons (oil). The teaching of Zucker fails to disclose, teach or suggest vests, and particularly vests comprising water-soluble material as recited in Applicant's claimed invention.

As further discussed in Applicants' July 10, 2006 Amendment and Response, the teaching of Zucker fails to teach, disclose or suggest Applicants' claimed invention as embodied in numerous dependent claims. For example, the teaching of Zucker fails to disclose, teach or suggest a vest comprising pre-washed water-soluble material that is pre-washed (claim 2); a vest that is capable of being washed in an aqueous bath up to about 20 times without negatively impacting structural integrity of the vest (claim 3); a vest comprising one or more pockets (claims 15-16 and 18); a vest in combination with one or more pieces of ice or dry ice (claim 17); and a vest comprising pre-shrunk nonwoven fabric having a fabric shrinkage of less than about 5% when exposed to a washing cycle (claim 19).

On page 4, lines 4-8 of the October 02, 2006 final Office Action, Examiner Muromoto states:

The limitations of claims 16-18 are intended use claims. The recited intended use would be provided by any garment with any number of pockets, as stated by applicant in current remarks dated 7/12/2006. The "pre-washing" in claim 2, the "spun-laced" limitation in claims 14, 37, and 43, and the "pre-shrunk" limitation in claim 19 are all product-by-process limitations.

Applicants disagree.

Claims 16-18 are directed to specific vests comprising a specific number of pockets (claims 16-18) and one or more pieces of ice or dry ice (claim 17). Further, it is respectfully submitted that the terms “pre-washed”, “spunlaced” and “pre-shrunk” are not product-by-process limitations, but are instead features of the claimed vest. For example, the vest of claim 2 comprise pre-washed water-soluble nonwoven fabric material as oppose to unwashed water-soluble nonwoven fabric material; the vest of claims 14, 37 and 43 comprise one or more nonwoven fabric sheets comprising spunlaced nonwoven fabric as oppose to some other type of nonwoven fabric; and the vest of claim 19 comprises pre-shrunk nonwoven fabric as oppose to nonwoven fabric that has not been pre-shrunk.

For at least the reasons given above, the teaching of Zucker fails to make obvious Applicants’ claimed invention as embodied in independent claims 1, 35 and 40. Since claims 2, 5-6, 13-16, 18-20, 33-34, 36-39 and 41-45 depend from independent claims 1, 35 and 40, and recite additional claim features, the teaching of Zucker also fails to make obvious Applicant’s claimed invention as embodied in dependent claims 2, 5-6, 13-16, 18-20, 33-34, 36-39 and 41-45. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Previously Presented Claims 7-12 Under 35 U.S.C. §103(a) as being Unpatentable over Zucker in view of Langley

Previously presented claims 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zucker in view of U.S. Patent No. 5,869,193 to Langley (hereinafter, “Langley”). This rejection is respectfully traversed for at least the reasons given in Applicants’ July 10, 2006 Amendment and Response.

As shown above, previously presented claim 10 has been incorporated into independent claim 1. Claims 7-9 and 11-12 depend from independent claim 1 and further recite that the claimed vest comprises a closure system (claims 7-9) or specific sheet fastening devices (claims 11-12). The closure system and/or sheet fastening devices may also comprise water-soluble material (claims 9 and 12).

As discussed above and in Applicants’ July 10, 2006 Amendment and Response, the teaching of Zucker fails to teach, disclose or suggest vests, and in particular vests comprising water-soluble fabric material. In addition, the teaching of Zucker fails to

teach, disclose or suggest such vests comprising closure systems or sheet fastening devices as recited in claims 7-9 and 11-12.

Like the teaching of Zucker, the teaching of Langley fails to teach, disclose or suggest vests comprising water-soluble fabric material formed from water-soluble polyvinyl alcohol fibers as recited in Applicants' independent claim 1. Further, like the teaching of Zucker, the teaching of Langley fails to teach, disclose or suggest vests comprising closure systems or sheet fastening devices.

Regarding the proposed combination of the teaching of Zucker with the teaching of Langley, Examiner Muromoto restates on page 5, lines 12-20 of the October 02, 2006 final Office Action what was stated on page 6, lines 6-14 of the April 10, 2006 Office Action:

Although Zucker teaches all of the limitations of the claimed invention, Zucker does not teach a closure system for the garment, that the garment has more than one non-woven sheet joined with fastening devices and the nature of the fastening devices.

However, Langley does teach a multi-layered material that used heat sealing and adhesives to join non-woven laminated sheets of PVA (water soluble) and PVDC (water-dispersible) to form protective articles such as suits, gloves, and other garments.

Therefore it would have been obvious to one of ordinary skill in the art to modify Zucker to use adhesives to join separate sheets of material to form protective articles such as vests.

Applicants disagree.

As noted in Applicants' July 10, 2006 Amendment and Response, the teaching of Zucker does not teach "all of the limitations of the claimed invention" as suggested by Examiner Muromoto for at least the reasons given above. Further, it should be noted that the teaching of Langley does not teach "non-woven laminated sheets of PVA (water soluble) and PVDC (water-dispersible)" as suggested by Examiner Muromoto. The disclosed sheets of PVA and PVDC are films, not nonwovens as suggested by Examiner Muromoto.

As further noted in Applicants' July 10, 2006 Amendment and Response, the teaching of Zucker discloses rags formed from water-soluble PVA fibers and individual rag sheets cut from a water-soluble fabric. The teaching of Zucker does not teach, disclose or suggest any articles, especially vests, comprising two or more water-soluble nonwoven fabric sheets joined to one another with one or more sheet fastening devices. The teaching of

Zucker does not teach, disclose or suggest the desire to combine individual sheets so as to form multi-fabric rags as suggested by Examiner Muromoto. Given the teaching of Zucker alone or in combination with the teaching of Langley, one of ordinary skill in the art would not have been motivated to modify the disclosed individual sheets (e.g., rags) of Zucker as proposed by Examiner Muromoto.

For at least the reasons given above, Applicants respectfully submit that the proposed combination of the teaching of Zucker with the teaching of Langley fails to make obvious Applicants' claimed invention as embodied in dependent claims 7-9 and 11-12. Accordingly, withdrawal of this rejection is respectfully requested.

III. Conclusion:

Applicants respectfully submit that claims 1-3, 5-9, 11-20 and 33-45 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

Should Examiner Muromoto believe that anything further is necessary to place the application in better condition for allowance, Examiner Muromoto is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,
WITHERS & KEYS, LLC

By: James D. Withers
Reg. No. 40,376

WITHERS & KEYS, LLC
P.O. Box 2049
McDonough, Georgia 30253
678-565-4748

Attorney No. 10008.0081US01